

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MISSOURI PRIMATE FOUNDATION,)	
CONNIE BRAUN CASEY, individually,)	
ANDREW SAWYER, individually,)	
and JANE DOE 2,)	
)	
Plaintiffs,)	
)	
vs.)	No. 4:16-cv-02163
)	
PEOPLE FOR THE ETHICAL)	
TREATMENT OF ANIMALS, INC. and)	
ANGELA SCOTT a/k/a ANGELA)	
G. CAGNASSO, individually,)	
)	
Defendants.)	

**PLAINTIFFS' MOTION FOR LEAVE TO FILE
SUPPLEMENTAL MEMORANDUM IN OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS *INSTANTER***

COME NOW Plaintiffs Missouri Primate Foundation, Connie Braun Casey, Andrew Sawyer, and Jane Doe 2 (collectively "Plaintiffs"), by and through their counsel, Goldberg Segalla LLP, and pursuant to Local Rule 7-4.01(C), file their motion for leave to file a short, additional memorandum in opposition to Defendants People for the Ethical Treatment of Animals, Inc. and Angela Scott, a/k/a Angela G. Cagnasso's (collectively "PETA"), motion to dismiss. In support thereof, Plaintiffs state as follows.

1. PETA filed a motion to dismiss Plaintiff's complaint for lack of subject matter jurisdiction and failure to state a claim, with supporting memoranda, on February 28, 2017. *See* Docs. 11-12.

2. By agreement of the parties, and with leave of court, Plaintiffs' response was due on March 22, 2017. Defendants likewise obtained additional time from Plaintiffs to file a reply. See Doc. 14.
3. Plaintiffs timely filed their response on March 22, 2017. See Doc. 17.
4. Since filing their response, Plaintiffs have discovered one additional case they desire to cite in support of their arguments.
5. Plaintiffs' proposed supplemental memorandum is two pages, and filing the same will not exceed the 15-page limitation codified in Local Rule 7-4.01(D), as Plaintiffs' original memorandum in opposition is twelve (12) pages. See Proposed Supplemental Memorandum, attached as Exhibit A.
6. Plaintiffs sought agreement from PETA for filing a supplemental memorandum, with an additional three (3) days for PETA to file a reply, but PETA refused to agree without first seeing Plaintiffs' supplemental memorandum prior to filing. See Correspondence, attached as Exhibit B.
7. PETA suffers no prejudice by allowing the supplemental memorandum, as Plaintiffs offered PETA extra time in which to file its response and PETA refused without first having advance disclosure of Plaintiffs' proposed filing.
8. Plaintiffs therefore filed this motion for leave to file a supplemental memorandum, which Plaintiffs request the Court to allow. See Proposed Order, attached as Exhibit C.

CONCLUSION

WHEREFORE, Plaintiffs respectfully request that this Court grant their motion for leave to file their supplemental memorandum *instanter*, and grant such other and further relief that this Court deems just and proper.

Date: March 27, 2017

Respectfully submitted,

GOLDBERG SEGALLA LLP

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CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2017, I electronically filed the foregoing United States District Court – Eastern District of Missouri by using the CM/ECF system.

/s/ Kurtis B. Reeg